

# PATENT ATTORNEY DOCKET NO. 06132/011002

Certificate of Mailing: Date of Deposit: 45.203

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kathy Meuse

Printed name of person mailing correspondence

Kathy newse

Signature of person mailing correspondence

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Pierre Michetti et al.

Art Unit:

1645

Serial No.:

09/955,739

Examiner:

Nita M. Minnifield

Filed:

September 18, 2001

Customer No.:

21559

Title:

Urease-Based Vaccine and Treatment for Helicobacter Infection

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 SEP 0 3 2003 TECH CENTER 1600/2900

### TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Pursuant to 37 C.F.R. § 1.321(b), OraVax-Mérieux Co., the assignee of the entire right, title, and interest in above-captioned application, seek to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), OraVax-Mérieux Co., hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the

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application subsequent to the expiration date of U.S. Patent No. 6,290,962. OraVax-Mérieux Co., does not disclaim any terminal part of any patent granted on the application prior to the expiration date of the full statutory term of U.S. Patent No. 6,290,962 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3), the undersigned attorney of record certifies that OraVax-Mérieux Co., a Massachusetts general partnership, is owner of the entire right, title, and interest in the application, by virtue of a chain of title from the inventors to the current assignee as follows:

From inventors Pierre Michetti, Irene Corthesy-Theulaz, Andre Blum, Catherine Davin, Jean-Pierre Kraehenbuhl, and Emilia Saraga to OraVax, Inc.; from inventor Rainer Haas to Fondation Pour La Recherche Des Maladies Gastro-Intestinales:

Gastrofonds; from Fondation Pour La Recherche Des Maladies Gastro-Intestinales to OraVax, Inc.; and from OraVax, Inc. to OraVax-Mérieux Co.

The undersigned attorney of record has reviewed all the documents in the chain of title of the application and to the best of the undersigned's knowledge and belief, title is in OraVax-Mérieux Co.

Frem-CLARK & ELBING

Pursuant to 37 C.F.R. § 1.321(b)(4), enclosed is a check for \$110.00 for the fee set forth in 37 C.F.R. § 1.20(d).

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to overcome a double patenting rejection in this application. Any patent granted on this application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the application or patent that formed the basis for the rejection.

If there are any additional charges or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted.

Paul T. Clark

Reg. No. 30,162

Clark & Elbing LLP 101 Federal Street Boston, MA 02110

Telephone: 617-428-0200 Facsimile: 617-428-7045

Substitute Form PTO-1595



101160587

Attorney	/ Docket	Number:	061	32/01	1001
Audine	Docker	MULTIDOL.	001	02/01	1001

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I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to BOX ASSIGNMENT, Commissioner of Patents and Trademarks, Washington, D.C. 20231.

usan M. Michaud

crited Name

Susan M. Michaud

ignature

## RECORDATION FORM COVER SHEET PATENTS ONLY

TATEIN	ONLI
ommissioner of Patents & Trademarks: Please reco	ord the attached document.
1. Names of all conveying parties:	Names and addresses of all receiving parties:
Rainer Haas	Fondation Pour La Recherche Des Maladies Gastro-Intestinales: Gastrofonds En Senaugin, Case Postale 15, Ch-1162 Saint- Prex, Lausanne, Switzerland
Additional names attached: NO	Additional names/addresses attached: NO
Nature of conveyance: [X] Assignment	RECEIVE
Execution Date: May 4, 1998	• · · · · · · · · · · · · · · · · · · ·
4. Application numbers or patent numbers:	SEP 0 3 2003
A. Patent Application Numbers:	B. Patent Numbers: TECH CENTER 1600/29
08/200,346	·
5. Name and address of party to whom correspondence concerning document should be mailed:  Paul T. Clark Clark & Elbing LLP 176 Federal Street Boston, MA 02110	6. Total number of applications/patents involved:  7. Total fee (37 CFR 3.41):  [X] Fee enclosed  [] Authorized to charge deposit account  8. Deposit account number: 03-2095. If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to Deposit Account No. 03-2095.

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9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.

Susan M. Michaud, Reg. No. 42,885

Name of person signing

Saran M. Michael

September 28, 1999

Date

10/01/1999 DHGUYEN 00000511 08200346

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#### **ASSIGNMENT**

This assignment is effective February 23, 1994.

For valuable consideration, I, Rainer HAAS of Munich Germany, hereby assign to Fondation Pour La Recherche Des Maladies Gastro-Intestinales: Gastrofonds, a corporation of Switzerland, having an office and place of business at En Senaugin, Case Postale 15, Ch-1162 Saint-Prex, Lausanne, Switzerland, and to its successors and assigns (collectively hereinafter called "the Assignee"), my entire right, title, and interest throughout the world in the inventions and improvements which are subject of one or more applications for United States Patent signed by me, identified as: "UREASE-BASED VACCINE AGAINST HELICOBACTER INFECTION," filed on February 23, 1994 and designated U.S. Serial No. 08/200,346; this assignment includes said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion, and for inventors' certificates for said inventions and improvements; and I agree for myself and my respective heirs, legal representatives and assigns, without further compensation, to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

AGREED and executed as noted below:

Date '

Rainer HAAS

Witnessed by:

Name:

 $\mathcal{I}\mathcal{I}$   $\mathcal{O}$ 

Name:

Date<sup>,</sup>

Date: 05/04/98

06132.011001 Haas assignment to Gastrofonds for Michetti II.wpd



CLARK & ELBING LLP PAUL T. CLARK

176 FEDERAL STREET BOSTON, MA 02110



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS Washington, D.C. 20231

**PTAS** 





UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

**CLARK & ELBING** 

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/30/1999

REEL/FRAME: 010274/0410

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HAAS, RAINER

DOC DATE: 05/04/1998

ASSIGNEE:

FONDATION POUR LA RECHERCHE DES MALADIES GASTRO-INTESTINALES: GASTROFONDS CASE POSTALE 15 EN SENAUGIN CH-1162 SAINT-PREX, LAUSANNE

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SEP 0 8 2003
TECH CENTER 1600/2900

SWITZERLAND

SERIAL NUMBER: 08200346

PATENT NUMBER:

FILING DATE: 02/23/1994

ISSUE DATE:

- 010274/0410 PAGE 2

MARCUS KIRK, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

### **ASSIGNMENT**

NOW THEREFORE, for valuable consideration, we, Acambis, Inc. (formerly OraVax, Inc.), a Delaware Corporation, 38 Sidney Street, Cambridge, MA 02139-4169, United States of America, hereby assign to OraVax Mérieux Co., a Massachusetts general partnership, 38 Sidney Street, Cambridge, Massachusetts 02139-4169, United States of America, the entire right, title, and interest obtained by assignment by us in the inventions and improvements that are the subject of the following applications for Letters Patent and Letters Patents: U.S. Serial No. 07/970,996, filed November 3, 1993 (now abandoned); U.S. Serial No. 08/085,938, filed July 6, 1993 (issued as U.S. Patent No. 5,972,336 on October 26, 1999); U.S. Serial No. 08/200,346, filed February 23, 1994 (issued as U.S. Patent No. 6,290,962 on September 18, 2001); and U.S. Serial No. 09/955,739, filed on September 18, 2001; this assignment includes any and all patent applications that may be filed, granted, or issued thereon, including any and all divisionals, continuations, reissues, and extensions thereof.

AND we further agree for ourselves and our legal representatives and assigns that we will promptly, upon request and without further compensation, do all lawful acts, including the execution of all necessary documents, and the giving of testimony that, in the opinion of the Assignee, may be necessary or desirable for obtaining, sustaining, or reissuing Letters Patents, and for perfecting, affirming, recording, and maintaining the title of said Assignee, and that we will generally cooperate to the fullest extent in all matters pertaining to said invention and patents, and said Assignee's title thereto.

AGREED and executed as noted below:

Stephen H. Atkinson Vice President, Commercial Development, Act the partnership of OraVax Mérieux Co.)	Date: 8/22/03 ambis, Inc. (formerly OraVax, Inc., a member of
Witness #1:  Way Jule  Name: Susan Sacca	Date: 8/22/03
Witness #2:	
Name: ELRABETH N. ALEXAN	Date: 8/22/03



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

DATE: 06/15/94

TO:

N09A

COE A. BLOOMBERG

LYON & LYON

W. SIXTH STREET, SUITE 3400

OSCANGELES, CA 90017

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ASSIGNOR:

DOC DATE: 04/05/94

FONDATION POUR LA RECHERCHE DES MALADIES GASTRO-INTESTINALES: GASTROFONDS

NUMBER OF PAGES 002 RECORDATION DATE: 04/25/94

REEL/FRAME 6993/0600

DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

ORAVAX, INC.

230 ALBANY STREET

CAMBRIDGE, MASSACHUSETTS 02139

SERIAL NUMBER

8-200346

02/23/94 FILING DATE

PATENT NUMBER

00/00/00 ISSUE DATE

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SEP 0 3 2003

TECH CENTER 1600/2900

ASSIGNMENT BRANCH

ASSIGNMENT/CERTIFICATION SERVICES DIVISION

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JUL 1 1 1994

DEPARTMENT II.S.

WHEREAS, Fondation Pour La Recherche Des Maladies Gastro-Intestinales, ("Gastrofonds"), a corporation duly organized and existing under the laws of Switzerland and doing business at Case Postale 15, Ch-1162 Saint-Prex, Lausanne, Switzerland and having been assigned all right, title and interest in and to U.S. patent applications Serial Nos. 07/970,996 filed November 3, 1992 and 08,085,938 filed July 6, 1993 ("said applications"):

WHEREAS, Gastrofonds hereby confirms that Gastrofonds has the full right to convey all rights, as herein expressed, to said applications and the inventions embodied therein;

AND WHEREAS, OraVax, Inc., (hereinafter OraVax), a corporation, duly organized and existing under the law of the State of Delaware and doing business at 230 Albany Street, Cambridge, MA 02139, USA, is desirous of acquiring all right, title and interest in, to and under said applications, and the inventions covered thereby;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said Gastrofonds by these presents hereby irrevocably sells, assigns, and transfers unto the said OraVax, it successors, assigns, and legal representatives, the entire, full and exclusive right to the said applications and inventions described therein and to any continuation, divisional and continuation-in-part applications and patents issuing thereon, all corresponding foreign patent applications and patents issuing thereon, and any reissues or extensions thereof, and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patents to OraVax, for its interest as OraVax, for the sole use and behoof of OraVax, its successors, assigns, and legal representatives.

Executed this day of Airi, 1994.

Fondation Pour La Recherche Des Maladies Gastro-Intestinales: Gastrofonds

By:

Frederick W. Meyer 1.
Officer and Chairman

By:

Andre Blum

Officer and Director

Witness:

THEXXORZ

Date:

5.4.97

Witness:

Bide

Date:

5.4.94

PILCORDED OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

DECEMBER 17, 199

CLARK & ELBING LL PAUL T. CLARK 176 PEDERAL STREA BOSTON, MA 02110 PTAS

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/30/1999

REEL/FRAME: 010274/0403

NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MICHETTI, PIERRE DOC DATE: 05/05/1998

ASSIGNOR:

CORTHESY-THEULAZ, IRENE DOC DATE: 05/08/1998

ASSIGNOR:

BLUM, ANDRE

DOC DATE: 05/01/1998

TECH CENTER 1600/29(

ASSIGNOR:

DAVIN, CATHERINE DOC DATE: 05/13/1998

ASSIGNOR:

KRAEHENBUHL, JEAN-PIERRE DOC DATE: 05/05/1998

ASSIGNOR:

SARAGA, EMILIA DOC DATE: 05/01/1998

010274/0403 .PAGE 2

ASSIGNEE:

ORAVAX, INC.

38 SIDNEY STREET

CAMBRIDGE, MASSACHUSETTS 02139

SERIAL NUMBER: 08200346

PATENT NUMBER:

FILING DATE: 02/23/1994

ISSUE DATE:

LAWAN FLETCHER, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS





101160586 Docket Number: 06132/011001

Certificate of Mailing: Date of Depo	sit
I hereby certify under 37 CFR 1.8(a) that this correspondence is class mail, with sufficient postage on the date indicated above a Patents and Trademarks, Washington, D.C. 20231.	
Susan M. Michaud  Thirted Name	Signature
RECORDATION FO	DRM COVER SHEET
PATEN'	TS ONLY
Commissioner of Patents & Trademarks: Please reco	ord the attached document.
Names of all conveying parties:	2. Names and addresses of all receiving parties:
Pierre Michetti, Irene Corthesy-Theulaz, Andre Blum, Catherine Davin, Jean-Pierre Kraehenbuhl, and Emilia Saraga	OraVax, Inc. 38 Sidney Street Cambridge, MA 02139
Additional names attached: NO	Additional names/addresses attached: NO
3. Nature of conveyance: [X] Assignment  Execution Dates: May 1, 1998, May 5, 1998, May 8, 1998, May 13, 1998	RECEIVEL SEP 0 3 2003
4. Application numbers or patent numbers:	TECH CENTER 1600/29
A. Patent Application Numbers:	B. Patent Numbers:
08/200,346	
5. Name and address of party to whom correspondence concerning document should be	6. Total number of applications/patents involved:

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7. Total fee (37 CFR 3.41):

[ ] Authorized to charge deposit account

8. Deposit account number: 03-2095. If the fee

above is being charged to deposit account, a

duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to Deposit Account No. 03-2095.

[X] Fee enclosed

9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.

Susan M. Michaud, Reg. No. 42,885

September 28, 1999

Name of person signing

40.00 GP

mailed:

Paul T. Clark Clark & Elbing LLP

176 Federal Street

Boston, MA 02110

### ASSIGNMENT

This assignment is effective February 23, 1994.

For valuable consideration, we, Pierre MICHETTI of Lausanne, Switzerland, Irene CORTHESY-THEULAZ of Lausanne, Switzerland, Andre BLUM of Romammotier, Switzerland, Catherine DAVIN of Nyon, Switzerland, Rainer HAAS of Munich Germany, Jean-Pierre KRAEHENBUHL of Rivat, Switzerland, and Emilia SARAGA of Lausanne, Switzerland, hereby assign to OraVax, Inc., a Delaware corporation, having an office and place of business at 38 Sidney Street, Cambridge, Massachusetts 02139, United States, and to its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of one or more applications for United States Patent signed by us, identified as: "UREASE-BASED VACCINE AGAINST HELICOBACTER INFECTION," filed on February 23, 1994 and designated U.S. Serial No. 08/200,346; this assignment includes said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our names or in its own name for patents, utility models, design registrations and like rights of exclusion, and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation, to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

AGREED and executed as noted below:

Pierre MICHETTI

Witnessed by:

MI
Andre BLUM
Date: 1/5/37) Date: 1/7/98
Catherine DAVIN
Date:

Date: \_

Name:\_

Date	Andre BLUM
Witnessed by:	
Name:	Date:
Name:	Date:
	_
13.5-93	$C \cdot D_{-1}$
Date	Catherine DAVIN
2	
Witnessed by:	
Name: Prob? for D?	Date: <u>13.5.98</u>
Name: Mangard	Date: 13.5.98

8/05/98 Date	Irene CORTHESY-THEULAZ
Witnessed by:  Name: Sally Hoplun  Name: Radinan	Date: 8/05/98
Ivanie.	Daic. Vy y / 2144V
Date	Jean-Pierre KRAEHENBUHL
Witnessed by:	
Name:	Date:
Name:	Date:

V	
Date	Irene CORTHESY-THEULAZ
Witnessed by:	•
Name:	Date:
Name:	Date:

5. 5.9P.
Date

Jean-Pierre KRAEHENBUHL

Witnessed by:

Name:\_\_

Name:

Date: 4 - MAI 1998

Date: 4 - MAI 1998

Prof. Michel Aguet
DIRECTEUR
Institut suisse de recherche
expérimentale sur le cancer
CH-1066 EPALINGES

Date	Rainer HAAS
Witnessed by:	
Name:	Date:
Name:	Date:
	/ /
1.05.1998	M Leny
Date	Emilia SARAGA
Witnessed by:	
Name: 1/3.	Date: <u>i. S. 98.</u>
Name:	Date: 1-5-98

06132.011001 assignments to OraVax for Michetti II.wpd